

SENATE BILL 93
By Cooper J

AN ACT to amend Tennessee Code Annotated, Title 67, Chapter 8, relative to inheritance and estate taxes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 67-8-202, is amended by deleting subdivision (1) in its entirety and by substituting instead the following language:

(1) "Credit" means the maximum credit for any estate, inheritance, legacy, or succession taxes paid to any state or territory or the District of Columbia, allowable with respect to the gross federal estate tax by Section 2011 of the Internal Revenue Code of 1986 (26 U.S.C. § 2011) as Section 2011 was in effect on December 31, 2000, the maximum credit, however, to be reduced in the proportion which the amount of the nontaxable property bears to the amount of the entire estate of the decedent;

SECTION 2. Tennessee Code Annotated, Section 67-8-202, is amended by deleting subdivision (3) in its entirety and by substituting instead the following language:

(3) "Estate" means the entire estate, or interest therein, of the decedent, that was subject to or liable for the payment of the federal estate tax before deducting any losses or exemptions in accordance with Title 26, Subtitle B, Chapter 11 of the Internal Revenue Code of 1986 as such Chapter 11 was in effect on December 31, 2000;

SECTION 3. Tennessee Code Annotated, Section 67-8-202, is amended by deleting subdivision (5) in its entirety and by substituting instead the following language:

(5) "Federal estate tax" means the tax imposed by Title 26, Subtitle B, Chapter 11 of the Internal Revenue Code of 1986 as such Chapter 11 was in effect on December 31, 2000;

SECTION 4. Tennessee Code Annotated, Section 67-8-202, is amended by deleting subdivision (7) in its entirety and by substituting instead the following language:

(7) "State taxes" means the aggregate estate, inheritance, succession, collateral inheritance or legacy taxes paid to any state, territory or the District of Columbia, including also such taxes of any of the above kinds as are imposed by the state of Tennessee other than the Tennessee estate tax imposed by this part, allowable in computing the maximum credit under Section 2011 of the Internal Revenue Code of 1986 as Section 2011 was in effect on December 31, 2000, except such taxes of any of the above kinds or with respect to nontaxable property of the decedent;

SECTION 5. Tennessee Code Annotated, Section 67-8-203, is amended by deleting the section in its entirety and by substituting instead the following language:

In the application of this part, the provisions of Title 26, Subtitle B, Chapter 11 of the Internal Revenue Code of 1986, or of any amendment thereto, as such Chapter 11 or any amendments thereto were in effect on December 31, 2000, shall be applied to the same extent as if the provisions were set forth in this part.

SECTION 6. Tennessee Code Annotated, Section 67-8-207, is amended by deleting the period at the end of the section and by substituting instead the following language:

, in accordance with the timetable for federal estate tax payments as the federal estate tax was in effect on December 31, 2000.

SECTION 7. Tennessee Code Annotated, Title 67, Chapter 8, Part 2, is amended by adding the following new section:

67-8-218. All references in this part to the Internal Revenue Code of 1954, or any chapter, section, or other provision thereof, shall be to such code, chapter, section or other provision thereof as in effect on December 31, 2000, it being the legislative intent that the tax provided in this part shall remain in full force and effect notwithstanding any change in federal tax law after December 31, 2000.

SECTION 8. Tennessee Code Annotated, Title 67, Chapter 8, Part 3, is amended by adding the following new section:

67-8-318. All references in this part to the Internal Revenue Code of 1954, or any chapter or section thereof, or to any other provision of federal law, shall be to such code, chapter, section or other provision of federal law as in effect on December 31, 2000, it being the legislative intent that the tax provided in this part shall remain in full force and effect notwithstanding any change in federal tax law after December 31, 2000.

SECTION 9. Tennessee Code Annotated, Title 67, Chapter 8, Part 4, is amended by adding the following new section:

67-8-425. All references in this part to the Internal Revenue Code of 1954, or any chapter or section thereof, or to any other provision of federal law, shall be to such code, chapter, section or other provision of federal law as in effect on December 31, 2000, it being the legislative intent that the tax provided in this part shall remain in full force and effect notwithstanding any change in federal tax law after December 31, 2000.

SECTION 10. Tennessee Code Annotated, Title 67, Chapter 8, Part 5, is amended by adding the following new section:

67-8-507. All references in this part to the Internal Revenue Code of 1954, or any chapter or section thereof, or to any other provision of federal law, shall be to such code, chapter, section or other provision of federal law as in effect on December 31, 2000, it being the legislative intent that the tax provided in this part shall remain in full force and effect notwithstanding any change in federal tax law after December 31, 2000.

SECTION 11. Tennessee Code Annotated, Title 67, Chapter 8, Part 6, is amended by adding the following new section:

67-8-606. All references in this part to the Internal Revenue Code of 1954, or any chapter or section thereof, or to any other provision of federal law, shall be to such code, chapter, section or other provision of federal law as in effect on December 31, 2000, it being the legislative intent that the tax provided in this part shall remain in full force and effect notwithstanding any change in federal tax law after December 31, 2000.

SECTION 12. Tennessee Code Annotated, Title 67, Chapter 8, Part 7, is amended by adding the following new section:

67-8-706. All references in this part to the Internal Revenue Code of 1954, or any chapter or section thereof, or to any other provision of federal law, shall be to such code, chapter, section or other provision of federal law as in effect on December 31, 2000, it being the legislative intent that the tax provided in this part shall remain in full force and effect notwithstanding any change in federal tax law after December 31, 2000.

SECTION 13. This act shall take effect upon becoming a law, the public welfare requiring it.